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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

EDWARD ALVARADO, JOHN AZZAM,)
 CHARLOTTE BOSWELL, TANDA BROWN,)
 BERTHA DUENAS, PERNELL EVANS,)
 CHARLES GIBBS, JANICE LEWIS, MARIA)
 MUNOZ, KEVIN NEELY, LORE PAOGOFIE,)
 DYRONN THEODORE, LASONIA WALKER)
 and CHRISTOPHER WILKERSON,)

Plaintiffs,

v.

FEDEX CORPORATION, a Delaware
 corporation, dba FEDEX EXPRESS,

Defendant.

GARY WHITE and ALXANDER RIVERA,

Plaintiffs,

v.

FEDEX CORPORATION, a Delaware
 corporation, FEDEX EXPRESS, a Delaware
 corporation, et al

Case No. C04-0098 SI

Case No. C04-0099 SI

**DEFENDANT'S REVISED NOTICE OF
 MOTION SEEKING AN ORDER
 SEVERING PLAINTIFFS'
 RESPECTIVE CLAIMS FOR
 SEPARATE TRIAL**

Date: May 19, 2006

Time: 9:00 a.m.

Judge: Hon. Susan Illston

Defendant's Revised Notice of Motion Seeking an Order Severing Plaintiffs' Respective Claims
 for Separate Trial, Case No. C04-0098 SI, C04-00099SI.

1 **REVISED NOTICE AND MOTION**

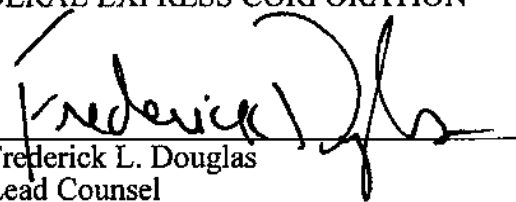
2 TO THE PLAINTIFFS HEREIN AND THEIR ATTORNEYS OF RECORD

3 PLEASE TAKE NOTICE that at 9:00 a.m., May 19, 2006, before the Honorable Susan
4 Illston, at the United States District Courthouse, 450 Golden Gate Avenue, 19th Floor, San
5 Francisco, California, defendant Federal Express Corporation ("FedEx") will and does hereby
6 move the Court for an order severing plaintiffs' respective claims for separate trial.

7 FedEx will be prejudiced if Plaintiffs' claims are tried in a single action. If tried together,
8 there will be many witnesses whose testimony will be relevant to only one Plaintiff's claims.
9 This testimony necessarily will color the jury's perception with respect to all of the Plaintiffs'
10 cases. Moreover, a jury will have a difficult, if not impossible, time keeping each Plaintiff's
11 claim separate and requiring each Plaintiff to independently prove his/her case. Accordingly, the
12 Court should require a separate trial for each Plaintiff.

13 DATED: March ^{28th} 2006

FEDERAL EXPRESS CORPORATION

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15 By 
16 Frederick L. Douglas
17 Lead Counsel
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21 Doc. No. 595390
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